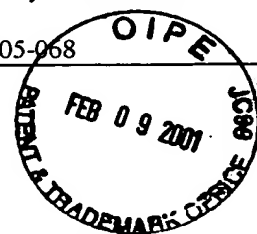


**COMBINED DECLARATION AND POWER OF ATTORNEY
FOR UTILITY PATENT APPLICATION**

Attorney's Docket No.

032005-068



As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I BELIEVE I AM THE ORIGINAL, FIRST AND SOLE INVENTOR (if only one name is listed below) OR AN ORIGINAL, FIRST AND JOINT INVENTOR (if more than one name is listed below) OF THE SUBJECT MATTER WHICH IS CLAIMED AND FOR WHICH A PATENT IS SOUGHT ON THE INVENTION ENTITLED:

DEPTH AND PUNCTURE CONTROL FOR SYSTEM FOR HEMOSTATIS OF BLOOD VESSEL

the specification of which

(check one)

☐

is attached hereto;

☒

was filed on July 24, 2000 as

Application No. 09/621,670

and was amended on _____;
(if applicable)

I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE;

I ACKNOWLEDGE THE DUTY TO DISCLOSE TO THE OFFICE ALL INFORMATION KNOWN TO ME TO BE MATERIAL TO PATENTABILITY AS DEFINED IN TITLE 37, CODE OF FEDERAL REGULATIONS, Sec. 1.56 (as amended effective March 16, 1992);

I do not know and do not believe the said invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to said application; that said invention was not in public use or on sale in the United States of America more than one year prior to said application; that said invention has not been patented or made the subject of an inventor's certificate issued before the date of said application in any country foreign to the United States of America on any application filed by me or my legal representatives or assigns more than twelve months prior to said application;

I hereby claim foreign priority benefits under Title 35, United States Code Sec. 119 and/or Sec. 365 of any foreign application(s) for patent or inventor's certificate as indicated below and have also identified below any foreign application for patent or inventor's certificate on this invention having a filing date before that of the application(s) on which priority is claimed:

| COUNTRY/INTERNATIONAL | APPLICATION NUMBER | DATE OF FILING (day, month, year) | PRIORITY CLAIMED |
|-----------------------|--------------------|--------------------------------------|------------------|
| | | | YES_ NO_ |
| | | | YES_ NO_ |

I hereby appoint the following attorneys and agent(s) to prosecute said application and to transact all business in the Patent and Trademark Office connected therewith and to file, prosecute and to transact all business in connection with international applications directed to said invention:

| | | | | | |
|---------------------------|--------|-------------------------|--------|------------------------|--------|
| William L. Mathis | 17,337 | Eric H. Weisblatt | 30,505 | Bruce T. Wieder | 33,815 |
| Robert S. Swecker | 19,885 | James W. Peterson | 26,057 | Todd R. Walters | 34,040 |
| Platon N. Mandros | 22,124 | Teresa Stanek Rea | 30,427 | Ronni S. Jillions | 31,979 |
| Benton S. Duffett, Jr. | 22,030 | Robert E. Krebs | 25,885 | Harold R. Brown III | 36,341 |
| Norman H. Stepno | 22,716 | William C. Rowland | 30,888 | Allen R. Baum | 36,086 |
| Ronald L. Grudziecki | 24,970 | T. Gene Dillahunt | 25,423 | Steven M. duBois | 35,023 |
| Frederick G. Michaud, Jr. | 26,003 | Patrick C. Keane | 32,858 | Brian P. O'Shaughnessy | 32,747 |
| Alan E. Kopecki | 25,813 | B. Jefferson Boggs, Jr. | 32,344 | Kenneth B. Leffler | 36,075 |
| Regis E. Slutter | 26,999 | William H. Benz | 25,952 | Fred W. Hathaway | 32,236 |
| Samuel C. Miller, III | 27,360 | Peter K. Skiff | 31,917 | Wendi L. Weinstein | 34,456 |
| Robert G. Mukai | 28,531 | Richard J. McGrath | 29,195 | Mary Ann Dillahunt | 34,576 |
| George A. Hovanec, Jr. | 28,223 | Matthew L. Schneider | 32,814 | | |
| James A. LaBarre | 28,632 | Michael G. Savage | 32,596 | | |
| E. Joseph Gess | 28,510 | Gerald F. Swiss | 30,113 | | |
| R. Danny Huntington | 27,903 | Charles F. Wieland III | 33,096 | | |



21839

and:

Address all correspondence to:



21839

Robert E. Krebs, Esq.
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404

Address all telephone calls to: Robert E. Krebs, Esq. at (650) 622-2300.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

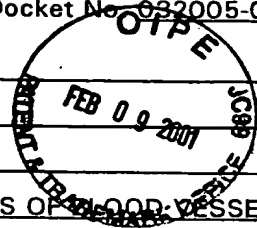
| | | | | | |
|--|--|-------------------|--|-------------|--|
| FULL NAME OF SOLE OR FIRST INVENTOR | | SIGNATURE | | DATE | |
| Mark Ashby | | <i>Mark Ashby</i> | | 1-31-01 | |
| RESIDENCE | | | | CITIZENSHIP | |
| 30012 Bello Place, Laguna Niguel, CA 92677 | | | | U.S.A. | |
| POST OFFICE ADDRESS | | | | | |
| same as above | | | | | |
| FULL NAME OF SECOND JOINT INVENTOR, IF ANY | | SIGNATURE | | DATE | |
| | | | | | |
| RESIDENCE | | | | CITIZENSHIP | |
| | | | | | |
| POST OFFICE ADDRESS | | | | | |
| FULL NAME OF THIRD JOINT INVENTOR, IF ANY | | SIGNATURE | | DATE | |
| | | | | | |
| RESIDENCE | | | | CITIZENSHIP | |
| | | | | | |
| POST OFFICE ADDRESS | | | | | |

Applicant or Patentee: Mark Ashby

Application or Patent No.: 09/621,670

Filed or Issued: July 24, 2000

For: DEPTH AND PUNCTURE CONTROL FOR SYSTEM FOR HEMOSTASIS OF BLOOD VESSEL



**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 C.F.R. §§ 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN Sub-Q, Inc.

ADDRESS OF CONCERN 1062-D Calle Negocio, San Clemente, CA 92673

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 C.F.R. § 1.21 for purposes of paying reduced fees under Sections 41(a) and 41(b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average, over the previous fiscal year of the concern, of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled DEPTH AND PUNCTURE CONTROL FOR SYSTEM FOR HEMOSTASIS OF BLOOD VESSEL by inventor(s) Mark Ashby described in

- ☐ the specification filed herewith
☒ Application No. 09/621,670, filed July 24, 2000
☐ Patent No. _____, issued _____

If the rights held by the above-identified small business concern are not exclusive, each individual, concern, or organization having rights to the invention is listed below,* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. § 1.9(c), or by any concern that would not qualify as either a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities. (37 C.F.R. § 1.27.)

NAME _____

ADDRESS _____

☐ individual ☐ small business concern ☐ nonprofit organization

NAME _____

ADDRESS _____

☐ individual ☐ small business concern ☐ nonprofit organization

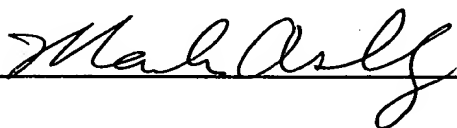
I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earlier of the issue fee and any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b).)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code; and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Mark Ashby

TITLE OF PERSON OTHER THAN OWNER Director of Research and Development

ADDRESS OF PERSON SIGNING _____

SIGNATURE  DATE 1-31-01